

# COUNTY OF YORK

## MEMORANDUM

**DATE:** November 20, 2003 (BOS Mtg. 12/2/03)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator

**SUBJECT:** Application No. ZT-78-03, York County Board of Supervisors – Landscaping, Parking and Sign Regulations

This application has been sponsored by the Board of Supervisors and proposes various amendments to the following sections of Chapter 24.1- Zoning of the York County Code:

Article II – Division 4. Landscaping, Buffer, and Greenbelt Regulations  
Article VI – Off-Street Parking and Loading  
Article VII – Signs

The proposed amendments are in response to the Board of Supervisors' goal of simplifying and clarifying Zoning Ordinance standards. They have been prepared in recognition of responses to a zoning requirements questionnaire provided by Board and Planning Commission members and others in 2002, and on additional input received and discussed since then.

These provisions were discussed by the Board of Supervisors at work sessions in September 2002 and June 2003 and by the Planning Commission at a work session on October 29, 2003 (minutes attached).

### **Considerations**

The following paragraphs summarize the major revisions that are proposed. In addition, certain changes are proposed for clarification, simplification and formatting consistency, but are not individually discussed.

### **Landscaping, Buffer and Greenbelt Regulations – Article II – Division 4**

- **Section 24.1-241(a)(2)** – “Horticulturalist” is proposed to be added to the list of professionals who may prepare landscape plans. Also, a change is suggested to limit “owner prepared plans” to IL and IG properties that front on secondary roads under the theory that professional landscape design in all commercial areas, and in industrial areas fronting on primary roads, is important to ensure aesthetics, proper consideration of building visibility and safety issues, etc., particularly given the public funds being invested in enhancement of many of the County’s commercial corridors. (*Note: the current requirement allows owners to prepare plans for any site less than 5 acres, which gives no consideration to the location of the property and impact on other goals*). Additionally, this proposed change recognizes that professional design assistance is often most critical on smaller development sites

where improper selection or placement of landscaping materials can, when those plants mature, create unwanted maintenance and sight-line problems.

- **Section 24.1-242(g)** – As recommended by the York County Beautification Committee, the landscape species lists contained in Appendix A (see pages 55 – 65 of Proposed Ord. 03-42) are proposed to be updated and revised to eliminate certain “problem” trees/shrubs (e.g., Sycamore, because of its messy leaves and seeds, brittle wood, and susceptibility to blight) and to provide information on Growth Characteristics, Minimum Planting Area needs, Suitability for Locations, Environmental Tolerances, and Problem Characteristics. This additional information is intended to guide the preparation of landscape plans and assist in planning for the maturation of the plant materials to minimize the future need or temptation to remove or severely prune trees and shrubs in an overcrowded landscape. Opportunities will remain for the landscape designer to propose species not contained on the plant lists as long as the alternatives can be documented as appropriate for this climate.
- **Section 24.1-242(h)** – The current planting standards (based on a ratio of trees and shrubs to total square footage of landscape areas) are proposed to be replaced with a “landscape credit unit” system that requires a certain number of credits per 100 linear feet of lot dimension and that awards credits on a sliding scale related to the size of the newly planted or existing landscaping. The system proposes that the minimum caliper dimension for trees remain at 1.5 inches, as it is now, but that opportunities be provided to plant larger trees (with greater credit values). Currently, there is no incentive to plant larger trees. The proposal would require about the same number of trees (assuming that the minimum 1.5” caliper size is selected) as currently required and slightly fewer shrubs, but it would provide the flexibility for a developer to also earn the required landscape credits by planting *fewer*, but *larger*, trees. In addition, the proposed system provides the opportunity to earn the credits, within certain broad parameters, by planting differing combinations of trees, shrubs and ornamental grasses/perennials. Staff has tested the proposed system and believes it should be easier to use since it is based on linear feet and number of parking spaces rather than complicated calculations of square footage. Charts are attached to show how the current and proposed requirements would be calculated for several recent development sites.

At its work session the Planning Commission expressed concern about possible overcrowding of landscaping and the potential consequences for the landscape design when it fully matures. Staff reviewed the planting guidelines and the spacing recommendations contained in the landscape charts (Appendix) and remains confident that they will provide the flexibility to avoid future problems. However, that review did result in recommendations (endorsed by the Planning Commission) to adjust in the credit values (shown in bold italics in the attached proposed Ordinance) for the larger caliper tree sizes to minimize potential overcrowding and to better recognize cost differentials between the various sizes.

- **Section 24.1-242(i)** – Xeriscaping Incentives are proposed to be deleted in their entirety to shorten the ordinance and in recognition of the fact that the provisions have not been used once since their adoption.
- **Section 24.1-243 – Transitional Buffers** – The base planting ratios in the current requirements are proposed to be replaced with the “landscape credit system.” Credit values and requirements are intended to provide essentially the same numbers of plants as currently required (unless larger trees are selected). Also suggested is a change to require that Transitional Buffers be located entirely on the residentially-zoned property when two undeveloped properties are abutting (rather than the half-and-half current requirement). At its October 29 work session, the Planning Commission expressed concern about the impact that a full buffer might have on an already platted residential lot. In response, staff drafted proposed revisions to the language in subsection (c) (page 14 of proposed Ord. 03-42) to define “developed” residential property. The purpose of this definition is to avoid requiring the Transitional Buffer on residential lots that would not be large enough to accommodate the buffer and a reasonable buildable area. Conversely, as discussed by the Commission, a full transitional buffer would be easier to absorb into undeveloped (unsubdivided) residentially zoned property, particularly if that development was being proposed under the *cluster* provisions.

An additional change discussed and recommended by the Commission involves the section proposing that required buffer width may be reduced by up to 25% when a properly designed and engineered berm is used to provide supplementary/equivalent screening/buffering. The Commission recommends the inclusion of minimum berm height standards to help ensure that the buffering/screening purposes are achieved. These proposed standards are shown on page 17 (bold italics) of proposed Ord. 03-42.

- **Section 24.1-245 – Greenbelts** – The initial staff proposal included minor changes intended to clarify the opportunities for thinning, cleaning and improving the appearance of greenbelt areas. At the October 29 work session, the Commission discussed the recommendation of the Regional Issues Committee that greenbelt requirements among the three Williamsburg-area jurisdictions (Williamsburg, James City County, York County) be made more consistent with one another (see attached letter from Jay Harrison, RIC Chairman). As a result, the Commission requested staff to propose additional modifications to increase the greenbelt width to 50 feet for those corridors with substantial undeveloped property and to investigate the inclusion of East Rochambeau and part of Mooretown Road. The changes shown on page 16 (in bold italics) were proposed by staff and endorsed by the Commission. They include:
  - Listing East Rochambeau, Lightfoot Road, Rochambeau (west), and two parts of Mooretown Road (the new segment and the segment south of Airport Road) as “greenbelt” roads.

- Increasing the greenbelt width to 50 feet for Merrimac Trail, Penniman Road and Route 132, all of which have significant amounts of undeveloped and unspoiled “greenbelt” frontages. The additional green space width along these roadways would complement the corridor enhancement efforts being supported by the County. Conversely, Bypass Road and the lower County greenbelt roads are proposed to remain at 35 feet since the vast majority of their frontages are already developed and requiring 50 feet for an isolated property here and there would not produce noticeable benefits.
- Incorporation of language (shown in subsection (c) on page 19) to require that unvegetated greenbelts be landscaped in accordance with the landscape credit system. The proposed number of credits is designed to require the area to be landscaped at the same ratio as a 20-foot front landscape yard.

Since the Planning Commission’s recommendation was made, I have been made aware of some concerns about the potential impact of a 50-foot greenbelt on existing, relatively shallow-depth parcels. In consideration of these concerns, I would like to offer an alternative that I believe would respect the goal of widening the greenbelt dimension for Williamsburg area corridors while also preserving the development potential of certain sites. My suggested alternative is as follows:

- Set the Greenbelt dimension at 45 feet, rather than 50 feet; In my opinion, the five-foot difference would be imperceptible.
- Allow the 10-foot landscaped strip currently required adjacent at the back of buildings to be eliminated; The effect of this would be to allow that ten feet to be developed, thus making the effective depth of the new greenbelt requirement 35 feet.

Alternate language to implement this suggestion is attached and, if the Board desires, could be substituted for the Greenbelt section shown in proposed Ordinance No. 03-42.

### **Off-Street Parking and Loading – Article VI**

- **Section 24.1-604(b)** – Changes are proposed to allow site and use specific analyses for loading space as well as parking space. Also suggested are provisions to allow some of required parking to be provided in an “overflow” lot constructed of “green” pavers.
- **Section 24.1-604(c)** – Changes are proposed to require adequate business vehicle parking as a general rule rather than the current method of stipulating *one space per business vehicle* at the time of site plan review, when it is many times an unknown quantity. This system will allow the parking otherwise required for a use

to function also for business vehicles, unless there is an adverse impact on overall parking supply. In theory, it allows a reduction in the amount of paved space.

- **Section 24.1-605(a)** – This proposed change would allow, on a case-by-case basis, the loading space demands for a use to be met by the otherwise required parking spaces (i.e., to overlap). The intent of this provision is to recognize that deliveries for many types of uses occur at times when parking demand is not at its peak.
- **Section 24.1-605(e)** – This proposed change would allow the Zoning Administrator to make a case-by-case adjustment in the size of the required loading space(s) to recognize situations where the loading space demands of a use can be accommodated in a smaller space.
- **Section 24.1-606** – Changes are proposed to require additional landscaping when a development will include more than the minimum required number of parking spaces. This requirement is intended to help balance the business prerogative of planning for peak demand with the community concerns about loss of green space and aesthetics. It provides a slight disincentive to build excess parking space, but does not absolutely prevent it.
- **Section 24.1-606** – The suggested changes to the parking space standards will provide a direct linkage to the categories and use listings set out in the Table of Land Uses in the District regulations. The current parking standards contain a mixture of specific and general listings but a number of uses are not covered. Tracking the use listings from the district regulations section will help ensure that parking standards are provided for all uses and should also make it easier for users (both citizens and staff) to find the requirements for a particular use. One drawback of the proposed system is that it adds length to the ordinance but this is one instance where staff believes the extra detail will be beneficial.

Other suggested changes in Section 606 include:

- elimination of the *mandatory* bicycle parking space standards;
- changing the parking ratio for retail uses from 1 space / 200 square feet to 1 space / 250 square feet (i.e., requiring only 4 spaces per 1,000 s.f. rather than 5 spaces);
- changing the parking ratio for office uses from 1 space/300 s.f. to 1 space / 350 s.f. (i.e. requiring only 2.9 spaces / 1,000 s.f. rather than 3.3 spaces / 1,000 s.f.);
- eliminating, as much as possible, requirements that are based on a per-person or per-employee standard in favor of requirements that can be measured during site plan review (e.g., square footage, building occupancy

limits, etc.), but still allowing the opportunity to use a per-employee ratio in the case of low intensity industrial and warehouse uses.

- **Section 24.1-607 – Design Standards** – Suggested changes include:
  - consolidating all design standards into this section;
  - allowing the overall length of the paved portion of a parking space to be further reduced by 1.5 feet to account for vehicle overhang (over a walkway, landscaped island, etc.). Please note that Planning Commission is recommending (as shown in bold italics) that the width of the adjacent island or walkway be increased by the amount of overhang credit used.
  - incorporating the current site design “rule” which calls for providing a landscaped island to break rows of parking into bays of 15 spaces. The language provides flexibility for administrative approval of alternatives involving the installation of fewer, but larger, landscaped islands at appropriate locations.
  - reducing the percentage of spaces in a lot that can be designated for compact cars from 40% to 20%.
  - including language to allow review of the location of storage and display using the area of “excess” parking to ensure that it does not create circulation or safety problems in the remainder of the lot.

## Signs – Article VII

- **Section 24.1-702(a)** – This proposal would require that sign supports wider than 25% of the sign face, or that are part of the sign display, be counted as part of the sign area, under the theory that supports that wide are part of the “attention-getting” characteristics of the sign.
- **Section 24.1-702(b)** – This proposed change will limit the maximum aggregate building sign area to 200 square feet, regardless of the width of the building to which it is attached. The proposal is intended to complement the corridor enhancement efforts being undertaken by the County.
- **Section 24.1-702(n)** – This change is proposed to convert to the landscape credits system and to allow trees to be part of the landscaping plan. An additional clarification (bold italics) is proposed to ensure that sign landscaping credits are in addition to any required for the yard in which the sign is located.
- **Section 24.1-703** – Changes are proposed to clarify and simplify the chart of sign regulations and to incorporate an incentive system (additional sign area allowances) to encourage the use of monument signs and to adjust the height limits for

monument signs. New subsection (b) provides further incentives for the use of monument signs by allowing additional sign area for certain arrangements.

- **Section 24.1-704** – Suggested changes are intended to clarify that temporary signs are in addition to (i.e., in number and sign area) to the normally allowable signage. Also, the changes would limit “grand-opening” banners to the period within one year of the actual business opening. In addition, language is proposed to clarify that banners or sign sleeves may be used as temporary signage in certain business circumstances (disaster, corporate changeovers, etc.).
- **Section 24.1-707** – The proposed changes would increase the allowances for menu boards at drive-thru restaurants to 32 square feet per drive thru lane and allow the sign area to be arranged in one or more individual signs. Also, suggested is a provision to include corporate logo flags in the maximum signage calculations for a parcel and a provision to limit flag displays when used for attention-getting or advertising purposes. Also, suggested is a provision to allow more and larger (32 s.f. versus 24 s.f.) internal directional / tenant listing signs in office or industrial complexes.
- **Section 24.1-708** – the provisions dealing with residential community and business / industrial park identification signs are proposed to be combined into a single section.
- **Section 24.1-712** – The suggested change would establish physical conditions of a site as the basis for considering use permit authorization of increases in sign area or height and remove the criteria concerning the type of business

### **Planning Commission Recommendation**

The Planning Commission considered this application at a work session on October 29 and at its regular meeting on November 12, 2003. Subsequent to conducting a public hearing, at which there were no speakers, the Commission vote 6:0 to recommend approval of the amendments shown in proposed Ordinance No. 03-42. The differences between the Commission’s recommendation and the original version sponsored by the Board are shown in **bold italics**.

### **County Administrator Recommendation**

I believe that the proposed revisions will provide desirable flexibility in landscape, parking and signage design while at the same time ensuring that the County’s expectations for quality development are maintained. I support the Commission’s recommendation to establish and or increase the width of the Greenbelts for certain Williamsburg-area corridors (as recommended by the Regional Issues Committee). However, I do recommend that the Board consider the alternative suggested in the attachment in order to preserve developable space on shallow sites. Accordingly, I recommend adoption of proposed

Ordinance No. 03-42(R) (as recommended by the Planning Commission but with the substitute Greenbelt provisions).

Carter/3337

Attachments

- Minutes – June 24, 2003 Board of Supervisors Work Session
- Minutes – October 29, 2003 Planning Commission Work Session
- Excerpt – Unapproved Planning Commission Minutes, November 12, 2003 meeting
- Comparison Charts for Current / Proposed Landscaping Ratios
- Letter dated July 22, 2003 from Jay Harrison, Chairman, Regional Issues Committee
- Alternate “Greenbelt” provisions
- Proposed Ordinance No. 03-42